

ASSOCIATION RULES OF THE BEAR LAKE HOMES ASSOCIATION

The Association Rules of the Bear Lake Homes Association (hereafter referred to as the “Rules”) are in addition to and provide significantly more specificity on day-to-day restrictions and responsibilities than the Use Restrictions contained in Article 3 of the Declaration as well as the Lot maintenance restrictions/requirements in Article 7.2 of the Declaration. Definitions of capitalized terms used below (e.g. “Home Site Area” or “Roadway”) are provided in Article I of the Declaration. If there are inconsistencies between the Declaration and the Rules, the Declaration will take precedence. All Members, as well as, prospective buyers/Members should be thoroughly familiar with the Rules.

1. Antennas/Satellite Dishes. All external antennas/satellite dishes, except those commonly used for television and/or internet reception shall be approved in writing by the Board.

2. Trash Containers. Trash containers may be placed next to the Roadway adjoining the Lot no sooner than the evening before scheduled pick-up days and stored by the end of the scheduled pick-up day. Trash containers must be stored out of sight at all other times. Kitchen waste and other garbage that may attract animals shall be placed in containers with animal-resistant lids.

3. Lot Maintenance. All Lots shall be maintained in a neat and attractive manner.

3.1 Home Site Area. Owners are responsible for maintaining all lawn areas within the Home Site Area to normal lawn height.

3.2 Outside Home Site Area. Pasture and open meadows beyond the Home Site Area shall be maintained with dead or unsightly growth removed as needed.

3.3 Roadway. Owners are responsible for maintenance of their Lot up to the paved portion of the adjoining Roadway, including mowing at least six (6) feet of their Lot parallel to and along the Roadway to normal lawn height.

3.4 Weeds. Owners are responsible for control of weeds designated as noxious by the State of Kansas and/or Leavenworth County.

3.5 Diseases and Insects. No Person shall permit anything or condition to exist upon any Lot or other property which shall induce, breed or harbor infectious plant diseases or noxious insects.

3.6 Lawn and Garden Chemicals. Extreme care should be utilized when applying lawn and garden chemicals to minimize impact upon neighboring Lots, Common Areas and the Lake.

3.7 Tree Removal. Tree removal is restricted, given the desire and intent of the Association and the Lot Owners to preserve Bear Lake in as natural and virgin setting as possible. A tree removal plan must be submitted to the Association for its review and

written approval prior to removing any tree with a diameter over twelve (12) inches (as measured 4.5 feet above the ground) for any reason other than emergency purposes or if the tree is diseased or has died.

3.7.1 Within Wildlife Preserve or Common Area. Clearing, pruning, and cutting of trees and shrubbery or mowing or burning in the Wildlife Preserve and other Common Property is prohibited except under direction of the Board.

4. Hunting and Firearms. Hunting for sport or recreation is prohibited on the Property, including but not limited to gun, bow, trapping or any other form of hunting. Discharge of firearms for sport or recreation is prohibited on the Property. Wildlife management on Common Property, including hunting and trapping of pests, may be undertaken only with written approval of the Board. Wildlife management by an Owner on their respective Lot, is permitted.

5. Off Road Vehicle Use. UTVs, ATVs, or other similar vehicles are prohibited from use within Bear Lake other than on the Roadway and on Lots (with the permission of the Owner) when used in such a way as to not create excessive speed or noise.

6. Drones. Lot Owners are permitted to utilize drones within the air space of their respective Lot and the Common Areas. Drones can be flown over the air space of other Lots only with Owner's permission.

7. Storage of Vehicles and Other Property.

7.1 Large commercial vehicles, covered trailers, boats, campers, motor homes and all recreational vehicles shall be stored in an approved Structure, with the following exceptions.

7.1.1 Guests of Owners may park campers, motor homes and recreational vehicles on a Lot for up to two (2) weeks.

7.1.2 Owners may park campers, motor homes and recreational vehicles on their Lot for loading, unloading, cleaning and maintenance for up to seventy-two (72) consecutive hours in any thirty (30) day period.

7.2 Maintenance equipment, including but not limited to small utility trailers, tractors, mowers, tillers, spreaders, ladders and plows, shall be stored out of sight in a neat and inconspicuous manner.

7.3 Play and recreational equipment, including but not limited to bicycles, tents, grills, wading pools, and lawn furniture, shall be stored in a neat and inconspicuous manner.

8. Livestock and Animals.

8.1 Domestic household pets, such as dogs, must be securely confined to the Owner's Lot or must be under human control at all times when outside the Owner's Lot. Domestic

cats, when appropriately vaccinated and spayed/neutered, may be allowed to roam outdoors as long as they do not become a nuisance to any neighboring property. Owners are responsible for picking up after their pets while outside the Owner's Lot.

8.2 No livestock, animals or poultry of any kind, other than domestic household pets, shall be kept or allowed to stay on any Lot.

9. Driveways. All driveways with egress/ingress to Association Roadways shall be hard surfaced with asphalt or concrete with a base constructed to meet Leavenworth County standards. Gravel driveways are permitted only during construction; hard surface driveways will be completed prior to move-in date.

10. Lake Usage. The Lake and its facilities shall be used for their intended purpose only by Owners/Residents and their guests. Unaccompanied guests are required to have documented permission from an Owner for specific dates of use. Lake gate keys are not to be given to guests. Owners shall be responsible for reimbursement to the Association for the cost of repairing any damages to the Lake or its facilities caused by the Owners, their Residents or guests.

10.1 Watercraft.

10.1.1 **Motors.** Only electric motors are permitted for use on the Lake.

10.1.2 **Size.** No watercraft in excess of sixteen (16) feet in length shall be operated on the Lake.

10.1.3 **Zebra Mussels/Invasive Species.** To keep our lake clear of Zebra mussels and avoid costly repairs, all watercraft or fishing equipment that have been on other bodies of water must strictly adhere to the following guidelines from the State of Kansas prior to being allowed on the Lake:

- Drain all of the water from boats, live wells, bait wells, and other equipment.
- Thoroughly inspect the boat's hull and trailer for any zebra mussels and remove.
- Wash equipment with 140-degree water (your local car wash hot water rinse),
- Let equipment sit for 5 days.
- Do not transfer any fish, plants, or water from another other body of water to the Lake.

10.2 Fishing.

10.2.1 **Method.** Angling with a single line attached to a rod is allowed; spearfishing and/or bowfishing for carp is allowed. Netting, trotlines, jugs and other forms of fishing are not permitted.

10.2.2 Size and Daily Limits.

- Bass - catch and release, only.
- Crappie - 10 inches or bigger with a daily limit of 5 fish.
- Channel Catfish - daily limit of 5 fish.
- Bullheads - daily limit of 15 bullheads.
- Carp - no size limit and all the carp you want to take.

11. Residential Unit, Outbuildings, and other Structures Plan Review and Approval. The Board has the authority and sole right under the Declaration to review and approve construction plans for Residential Units, Outbuildings, and any other Structure. The Board's review will be based on conformity with the Governing Documents and shall be guided by the extent to which the proposed improvement will ensure conformity in exterior design and appearance with existing improvements on the Lot or surrounding Lots, is in keeping with the overall theme of Bear Lake, and will aid in maintaining Bear Lake property values. No Residential Unit, Outbuilding, or other Structure shall be commenced, erected or altered (to include change of color) on any Lot until the plans and specifications have been submitted to and approved by the Board. Such plan review is required for both new construction and reconstruction after damage, as well as any additions, renovations and remodeling that change the dimensions or outside appearance of a Residential Unit, Outbuilding, or other Structure. All changes to previously approved plans must be resubmitted to the Board for review and approval prior to implementation of those changes. Failure to gain approval prior to installation, may result in requirement for a Residential Unit, Outbuilding, or other Structure to be removed at Owner's expense.

11.1 Residential Units. Scaled site plans must be submitted to the Board as part of the plan review/approval process.

11.1.1 Residential Unit Site Plan Requirements.

- Site plans shall include the calculation of size and location of the one-acre Home Site Area within the Lot and shall include the location and size of the Residential Unit, any Outbuildings and all other proposed Structures, and other improvements. Approved driveways, free-standing mailboxes, docks (Lake Front Lots only) and entrance/gate improvements are the only permanent construction allowed outside of the Home Site Area.
- Site plans shall also include the top of foundation elevations, Lot grading/drainage plans, building setbacks, and placement of construction siltation fence, electrical box, entry markers and/or gates, driveway and culvert (if required).
- Such plans and specifications shall include, without limitation, information as to the kind, shape, color, dimensions, and materials to be used.
- No floor level of any Residential Unit shall be located any less than four (4) feet above the level of the dam's emergency spillway.
- Residential Unit plans and specifications must be prepared, signed and sealed by a Kansas licensed architect and/or professional engineer.

11.1.2 **Materials.** All external building materials, including, but not limited to roofing, siding, and accessory materials, must be approved by the Board prior to start of construction. Examples include:

- **Roofing.** All roofs must be constructed of Architectural laminated roofing shingles (no 3-tab laminated shingles) with a minimum 40-year warranty or an approved equal or superior alternative.
- **Siding.** No steel, vinyl, aluminum, compressed wood fiber, exposed plywood laminated, or similar exterior siding may be used.

11.2 **Outbuildings.** The level of detail required to be included in site plans for Outbuildings will be determined by the Board on a case-by-case basis – site plans for major Outbuildings such as a multi-car garage or workshop will need to include more details than site plans for minor Outbuildings such as a garden shed or play-house. Site plans for major Outbuildings will typically require many of the same elements as the site plans for Residential Units, while site plans for minor Outbuildings might only require a hand-drawn sketch of the placement of the Outbuilding on the Lot and a description of basic parameters such as size and materials to be used.

11.2.1 Outbuildings (other than greenhouses) must be consistent with the exterior style, color, and materials of the Residential Unit. Metal Outbuildings are not permitted.

11.2.2 Outbuildings must not unreasonably obstruct views from other Lots and Roadways.

11.3 **Docks.** A simple drawing of the location, size, shape, and materials to be used for the dock (to include the concrete footing) will normally suffice as the site plan for Docks. Only Lake Front Lot Owners are allowed to erect or maintain a dock on the shore of the Lake. Lake Front Lot Owners can install a single platform dock on the shore of the Lake subject to the following restrictions:

- All docks shall be floating docks, using black encapsulated foam flotation devices.
- All new docks shall be secured with a concrete footing; all dock owners are responsible to ensure their dock remains securely attached at all times.
- All docks shall be built with the main platform no larger than 12' x 16'. No railings, benches, walls, roofs, nor any vertical elements shall be attached to the dock platform.
- The dock ramp shall be no longer than 24' with the end affixed to the shore in such a manner that the dock can move up in high water without becoming detached from the shore.
- Up to four low voltage lights shall be allowed on a dock. All light fixtures shall be no more than 60 watts and must be shielded from direct view (down lights).

11.4 Other Structures. Site plan requirements for Structures other than Outbuildings and Docks will be determined on a case-by-case basis by the Board so as to provide the necessary level of detail for the Board to make an informed decision regarding approval of the plan while not placing an undue burden or expense on the Owner. Often a brief description and/or a hand-drawn plan including size, location, materials, etc. will suffice.

11.4.1 Other Structures must not unreasonably obstruct views from other Lots and Roadways.

11.4.2 Above-ground swimming pools are not allowed.

12. Construction.

12.1 General Contractors and Builders. General Contractors or Builders shall be approved in writing by the Board prior to commencement of any construction. General Contractors shall submit a certificate of insurance for at least \$1,000,000 general liability coverage with the Association and the Lot Owner named as additional insureds.

12.2 Construction Site. Owners shall be responsible for maintaining a clean construction site, protection of adjacent Lots and the adjacent Roadway, cleaning the Roadways, and control of erosion and siltation off-site resulting from construction activity.

12.3 Grading and Seeding. Grading and seeding shall be completed during the first possible growing season following construction of the home (spring or fall).

13. Enforcement. Enforcement of these Rules shall be as provided in the Declaration and Bylaws.